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Foreign Labor Trends: Bangladesh

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Comments

Foreign Labor Trends

Foreign Labor Trends

Bangladesh



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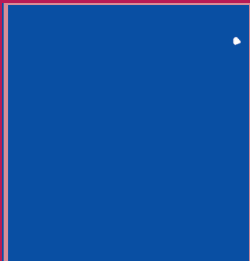
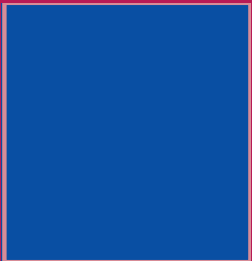
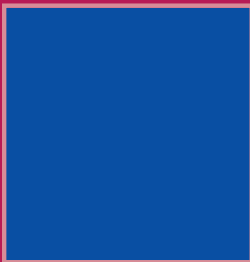
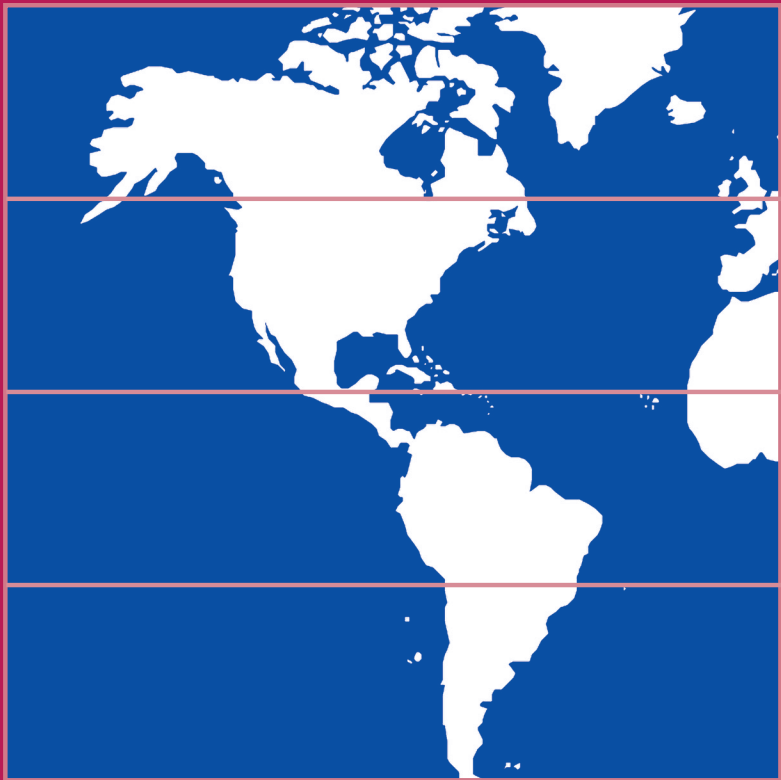


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KEY LABOR INDICATORS¹

Bangladesh 2003

<u>INDICATOR</u>	<u>2001</u>	<u>2002</u>	<u>% CHANGE</u>
1. Per capita GDP current prices (US\$)	1,570	1,750	11.5
2. —, in agriculture (%)	30	30	0.0
3. —, in manufacturing (%)	18	18	0.0
4. —, in services (%)	52	52	0.0
5. —, (taka, 000)	81.86	97.66	19.3
6. Population, total (millions)	131.3	133.4	1.6
7. —, in major ethnic groups (%)			
Bengali (%)	98	98	0.0
Bihari (millions)	0.25	0.25	0.0
Tribal (millions)	1	1	0.0
8. —, in major urban areas (millions)	n/a	n/a	~
9. Birth rate (per thousand population)	25.30	25.12	-0.7
10. Life expectancy at birth, total	60.54	60.92	0.6
11. —, male	60.74	61.08	0.6
12. —, female	60.33	60.74	0.7
13. Adult literacy rate (%)	56	56	0.0
14. Labor force, civilian, total (millions) ²	n/a	64.1	~
15. —, male (%)	n/a	n/a	~
16. —, female (%)	n/a	n/a	~
17. —, in informal economy (% est.)	n/a	n/a	~
18. Employment, civilian, government total (millions)	n/a	58	~
19. —, in industry (%)	11	11	0.0
20. —, in export processing zones (000)	101.1	110	8.8
21. —, in agriculture (%)	63	63	0.0
22. —, in services (%)	26	26	0.0
23. Unemployment rate (%)	35.2	n/a	~
24. Underemployment rate (%)	n/a	n/a	~
25. Labor productivity, manufacturing (% change)	n/a	6.2	~
26. Work-related accidents and illnesses	1,864	n/a	~
27. Days lost from industrial disputes (millions)	16.6	n/a	~
28. Minimum monthly wage rate (skilled, industrial non-EPZ, taka) ³	n/a	2,650	~
29. —, (US\$)	n/a	49.00	~
30. Average monthly earnings by major industry (US\$)	n/a	60.00	~

¹ Major source: *The World Factbook*, 2001 and 2002.

² There is extensive export of labor to Saudi Arabia, Kuwait, UAE, Oman, Qatar and Malaysia with remittance estimated at US\$ 1.71 billion (1998, most current information).

³ There is no national minimum wage. Wages are set by the Wage Commission by industry.

Bangladesh 2003

<u>INDICATOR</u>	<u>2001</u>	<u>2002</u>	<u>% CHANGE</u>
31. Hourly compensation costs for production workers in manufacturing (US\$)	n/a	n/a	~
32. —, (taka)	n/a	n/a	~
33. Hourly compensation costs for laborers (US\$)	n/a	n/a	~
34. —, clerical	n/a	n/a	~
35. —, mechanic	n/a	n/a	~
36. —, commercial assistant	n/a	n/a	~
37. Supplementary benefits as % of manufacturing earnings	n/a	n/a	~
38. Average hours worked per week ⁴	n/a	n/a	~
39. Unionization of labor (%)	n/a	3.2	~
40. Average personal income per year at current prices (US\$)	n/a	n/a	~
41. Avg. disposable income after taxes and withholding (US\$)	n/a	n/a	~
42. Percent of population beneath poverty level	35.6	36.0	1.1
	<u>2000</u>		
43. Consumer price index (%)	5.8	n/a	~

n/a = not available

Exchange rate: US\$ 1= 57.756 Bangladeshi taka (Jan. 2002); 55.807 (2001).

⁴ The nominal workweek is 48 hours.

SUMMARY

During 2001, large numbers of unions in Bangladesh called general strikes that paralyzed the economy for long periods of time and caused political instability. Through this instability, the Government continued to make attempts in creating measures to attract foreign direct investment (FDI), but the economy remained stagnant while the population grew and the number of displaced workers continued to rise. Decent labor legislation exists, and the Government has ratified key International Labor Organization (ILO) conventions. However, enforcement of legislation continues to be a problem.

BACKGROUND

Bangladesh gained its independence in 1971, as the result of an armed conflict between the Pakistan army and the freedom fighters or Bengali Mukti Bahini. The freedom fighters were able to defeat the Pakistani army with the assistance of the Indian military. The Constitution of 1972 established the Government and the rights of its newfound citizens, the Bangladeshis.

The Government is made up of the following three branches: (1) the Executive Branch, consisting of the President (Chief of State), the Prime Minister (Head of Government) and the Cabinet; (2) the Legislative Branch, which has a unicameral Parliament mirrored after the British system consisting of 300 members; and (3) the Judicial Branch, which is a civil court system based on the British model with the Appellate Court of the Supreme Court being the highest court of appeal.

During 2001, the Government prepared for a general parliamentary election, and there were frequent general strikes until July 2001. For three months, from mid-July until mid-October, the country was run by a neutral Caretaker Government to insure a free non-biased election with no unfair influence from the party in power. The main opposition party, the Bangladesh Nationalist Party (BNP), won 195 parliamentary seats, and its coalition partners won an additional 24 seats. The party that had been in power since 1996, the Awami League (AL), won only 58 seats.

DESCRIPTION OF THE LABOR SCENE

Government

The Department of Labor in Bangladesh was established during the British-Indian rule and is now part of the Ministry of Labor and Employment (MLE), the lead government agency on labor issues. The MLE has 721 officials, working in 5 separate divisions. These divisions include general administration, conciliation, registration, industrial relations training, and labor, welfare, and family planning services in industrial sectors. The offices are divided into 4 districts and 10 sub-regions. The Government of Bangladesh actively participates in the ILO, serving as a Deputy Member of the Governing Body from 2002 to 2005.

Employers

The Bangladesh Employers' Federation (BEF) has been registered as the national organization of the employers since 1998. The BEF covers all major industrial associations and public sector corporations, as well as 80 percent of established enterprises in the organized sector. Its objectives are to promote and protect the interests of employers in industrial relations and to support economic development by establishing good relations amongst employers and workers. The BEF participates in the ILO as the employer representative of Bangladesh and is a member of the International Organization of Employers (IOE).

Trade Unions

In 2000, there were 404 new trade unions established, bringing the registered total to 6,304 with individual membership at 1,905,450. The most recent figures put the total labor force at 64.1 million. Bangladeshi trade unions participate in ILO activities, and five are members of the International Confederation of Free Trade Unions: the Bangladesh Free Trade Union Congress; the Bangladesh Jatyatabadi Sramik Dal; the Bangladesh Mukto Sramik Federation; the Jatio Sramik League; and the Jatiya Sramik Party.

THE ECONOMY AND LABOR

Agriculture is the main industry and employs the largest percentage (approx. 63 percent) of the labor force. The main crops are rice, jute, and wheat. The abundance of water and the tropical climate in some regions make it ideal for producing an abundant supply of rice. This climate makes it possible to harvest up to three times a year in certain areas. These facts coupled with new, more progressive farming techniques have enabled Bangladesh to not only feed its people but also export and stock-pile excess quantities. Manufacturing of garments, textiles, iron, steel, chemicals, leather products, pharmaceuticals, rubber, plastics, and fertilizers are also important industries that are instrumental in employing the labor force.

Economic growth has been respectable, the agriculture sector strong, and inflation low. Productivity and labor cost per unit are both quite low. These facts have contributed to an economy that grew five percent on average in the years between 1995 and 1999. The gross domestic product (GDP) in 2002 increased at a rate of 11.5 percent. Steady moderate growth in the agriculture and the ready-made garment sectors is the main reason for the increase. The agriculture sector produced record-setting harvests in 2000 and 2001. This increase shows positive trends toward adaptation of progressive and modern agriculture methods that create higher productivity, resulting in bumper crops in many of its agriculture commodities. Since the agriculture sector is such an important part of the economy, the excess stockpiles and slow industrial activity have served to keep the inflation rate low. The local currency (taka), although devalued numerous times in 2001 for a total devaluation of 10.5 percent, remains overvalued against the currencies of its competitors. The U.S. accrued a US\$ 2.05 billion trade deficit with Bangladesh during 2001, down from US\$ 2.2 billion in 2000. The growth of the trade balance deficit over the past decade is mainly due to the rapid growth of the ready-made garment sector. Bangladesh's export sectors have weathered the impact of September 11th and the downturn in the global economy better than previously expected, exporting roughly US\$ 60 million less in 2001 than it did in 2000.

Generalized System of Preferences

The Generalized System of Preferences (GSP) is a unilateral program between the United States and 140 designated developing countries and territories that extends duty-free entry to a wide range of products. The U.S. Congress enacted the GSP program in Title V of the Trade Act of 1974. When the Trade and Tariff Act of 1984 reauthorized the program, new eligibility criteria included a requirement that countries take steps to afford workers internationally recognized worker rights.

The GSP Subcommittee of the Trade Policy Staff Committee, during a 1990 GSP Annual Review completed in April of 1991, received a challenge by petition from the American Federation of Labor and Congress of Industrial Organization (AFL-CIO) to discontinue the preference eligibility of Bangladesh under the GSP program. The challenge was based on the failure of Bangladesh to satisfy the mandatory GSP eligibility criteria that countries provide workers internationally recognized worker rights by denying 7,800 employees in the export processing zones (EPZs) the internationally recognized right of freedom of association. The conclusion of the Subcommittee was that, compared to the labor force of over 33 million at the time, this was a very small percentage. Over the next few years as the garment workforce grew to 300,000, the AFL-CIO continued to petition that only a small percentage of these workers were afforded the right of freedom of association as well as other internationally recognized worker rights. As a result of the petition filed by the AFL-CIO, the U.S. Committee has asked the Government to make progress in the areas of the internationally-recognized core labor standards, including freedom of association, the right to organize and bargain collectively, child labor, and conditions of work (wages, hours of work, and occupational health and safety).

In 1992, the Government of Bangladesh made a written commitment to reestablish all the worker rights of the Employment of Labor Act of 1965 within the EPZs by 2000. In 2000, the Government had not lived up to the agreement to completely restore rights of freedom of association and right to organize and bargain collectively within the EPZs. In 2001, the Government agreed to allow the workers to elect representatives for Workers Welfare Committees (WWCs) and to establish Dispute Resolution Tribunals to give the workers an alternative form of freedom of association until full rights apply on January 1, 2004.

Some progress has been made in this area. Most, if not all of the factories within the EPZs (approximately 166 factories with 110,000 workers), have established worker-selected WWCs and Dispute Resolution Tribunals and organized Councils to represent the factories. Since the report of 1991, the workforce in the EPZs has grown 14 times what it had been when the first GSP review of 1999 was conducted, indicating that the number of employees being denied the right of association has grown significantly.

The Government and the business community has pressed the United States to include Bangladesh in the Trade and Development Act 2000, which gave Caribbean Basin and Sub-Saharan African countries duty-free and quota-free access to the U.S. market.

The first visit to Bangladesh by a sitting United States President in March 2000 strengthened an already flourishing relationship between the Bangladesh Government and the United States.

FOREIGN INVESTMENT POTENTIAL

The stated policy of the Government of Bangladesh is to pursue foreign investment activity. However, economic reform, strengthening the rule of law, reducing bureaucratic obstacles, and addressing corruption are all necessary before Bangladesh will be more attractive to foreign

investors. The main acts that affect foreign investment are the Foreign Private Investment Act of 1980, the Industrial Policy of 1999, the Bangladesh Export Processing Zones Authority Act of 1980, the Companies Act of 1994 and the Telecommunications Act of 2001. The Government has entered into bilateral investment treaties with 43 countries including the United States.

One of the best incentive programs to attract FDI are the EPZs, created in 1980 by an act of Parliament. Currently, there are five operating EPZs in Bangladesh with the majority of the factories located in Dhaka and Chittagong. There is one factory in each of the other three zones: Comilla, Nongla, and Uttara. Chittagong has been in operation since 1983 and Dhaka was established in 1989. There are 166 factories operating in these zones. Bangladeshi citizens own 19 percent of the factories within the zones, while the remaining 81 percent are foreign-owned, predominantly by Korean firms. Approximately 70 percent of the companies are operating in the garment sector or are textile related. The total export from the EPZs in 2000 was US\$ 509 million, while total employment as of July 2001 was 101,091; the current estimate is approximately 110,000 workers.

EPZ incentives include on-site utility generation which eliminates any down time due to inefficient power grid circulation; duty-free company vehicles, as vehicle duties can run as high as 300 percent to import a car or truck; duty-free building materials for the company/factory; a tax exemption for first 5 years of operation; and no government intervention, including exemption from all labor legislation. Beginning on January 1, 2004, the EPZs will no longer be exempt from union activity and are currently in a transition phase to afford workers the right of freedom of association.

Direct investment from the United States increased rapidly during the last half of the 1990s, from US\$ 25 million to over US\$ 750 million, but investment has stalled in the last two years.

SOCIAL SAFETY NET

Current social insurance laws regarding sickness and maternity benefits have been in place since 1950 and 1965. Factories that have 10 or more employees and are involved in manufacturing are entitled to cash sickness benefits. Workers are entitled to use general hospital facilities, while some employers in both public and private sectors have established medical dispensaries. Companies within the EPZ are required by the EPZ Authority to provide on-site medical attention for all workers. Where the employer does not provide medical attention, an allowance of 100 taka (US\$ 1.85) per month must be paid to the workers. Employers are also mandated to provide maternity benefits to the employee who has completed at least nine months of service with the employer by the date of confinement. The benefit consists of a payment depending on current wages for six weeks before and six weeks after the birth of the child.

Work injury and disability are covered under regulations made into law in 1980 and 1982. Persons working for railways, factories with 10 or more workers, and dock and estate employees are covered, while any person earning over 1,200 taka (US\$ 22.22) per month (which is antiquated and unrealistic), and clerical staff are excluded. A temporary disability is covered by paying the worker full wages for the first 2 months, and half wages for the next 2 to 12 months. A victim of a permanent injury shall be made whole by paying the workers full wages for 1 year and given a one-time payment of 10,000 to 30,000 taka (US\$ 185.19 to US\$ 555.55) depending on the worker's salary at time of injury. All of these costs are incurred solely by the employer with no assistance from the Government.

The Employment and Labor Act of 1965 affords workers the right to receive termination, retrenchment, and benefits if they are discharged due to health problems. Although all of these social safety net regulations are in place, due to lack of manpower, resources, and corruption they suffer from the same failed enforcement, as does all of the labor legislation in Bangladesh.

LABOR LAW AND SYSTEM

The Government has ratified 33 ILO conventions, including all 8 that relate directly to the ILO core labor standards of freedom of association, the right to bargain collectively, the prohibition of forced labor, the prohibition of discrimination, and the prohibition of the exploitation of children in employment.

The Department of Labor within the MLE is responsible for administering and enforcing the Industrial Relations Ordinance of 1969. The main objective of the Ordinance is to create stability and peace in the workplace in order to promote high productivity. Unfortunately, the legal system does not have the resources or sufficient staff to enforce the statutes on the books, and corruption among government officials remains a continuing problem.

LABOR STANDARDS AND WORKER RIGHTS

The Right of Association

The Industrial Relations Ordinance of 1969 consolidates the laws relating to formation of trade unions, employee/employer relationships, and regulations covering disputes that may arise between workers and employers. It covers the whole of Bangladesh, with the exception of the EPZs, and affords workers the right to join any organization of their choosing without prior authorization of their employers. Trade unions and employers associations have the right to create their own constitutions and rules, to elect representatives, and to organize, administer and formulate their own individual programs. Both employers and employees may join or establish federations/confederations and affiliate with international organizations or confederations of employees or employers.

The Constitution grants workers the right to join unions that meet the requirements of Government legislation. However, the Essential Services Ordinance allows the Government to declare any sector essential and bar strikes for three months. This Ordinance is the major complaint of labor activists who claim that these regulations, coupled with the mandatory 30 percent union membership to form a union, severely restrict workers' right to organize.

The Right to Organize and Bargain Collectively

The 1969 Industrial Relations Act states that if there is only one registered trade union in an establishment which has at least one-third of the total workers enrolled as members, it will be deemed to be the collective bargaining agent for the establishment. If the collective bargaining agent so requests, the employer may be required to deduct certain amounts (amounts agreed upon by the workmen) in order to fund the union. This practice is known as the check-off system. Collective bargaining agreements are legal, but claims are made by labor that the procedure is much too restrictive, as the union must be registered with the registrar of trade unions as the collective bargaining agent for the company.

Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced and bonded labor, although it still exists in some occupations such as in the brick industry and among domestic servants. In the brick industry (mainly breaking down old bricks into little pieces in order to be recycled), families become indebted to their employer during downturns in the production cycle. As a result, the family's collective debt accumulates over time and can never be entirely repaid. The children are usually the ones who suffer the most, since the industry is also riddled with child labor abuse, allowing them little or no time for an education. There have also been reports of domestic servants, including children, living as indentured servants where they are physically abused and denied wages.

Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment varies according to sector. The Employment of Children Act prohibits children under 12 from working in industries such as tanning and manufacturing (bidi, carpet, cloth, cement, and fireworks), and it prohibits children under 15 from working in railways. The Mines Act prohibits children under 15 from working in mines. The Factories Act and Rules establishes 14 years as the minimum age for employment in factories, and the Children Act of 1974 prohibits the employment of children under 18 in brothels or as beggars. There are no specific laws covering the informal sectors, such as agriculture and domestic work, although the majority of child workers are in these categories. The Suppression of Immoral Traffic Act prohibits importing women for prostitution.

There is no specific regulation that makes child labor illegal, and it is a continuing and serious problem. For instance, while the Factories Act of 1965 bars children under 14 from working in factories, the laws are rarely enforced by the Ministry of Labor due to lack of manpower and resources. When the laws are enforced, mainly within the garment industry, the fines are so low that they are considered part of doing business and not a deterrent. The Bangladesh Garment Manufacturers Export Association (BGMEA) formed a Vigilance Team in order to stay in compliance with a memorandum of understanding (MOU) signed in 1995 with the ILO and the United Nations Children's Fund (UNICEF) to eradicate employment of children in export garment factories. The MOU terms were effectively met, and at its termination in 2001, child labor had been successfully eliminated in the export garment industry. From 1995 through 2001, the MOU required a small stipend to be paid to the family of any child who was removed from work in a garment factory to attend school, in order to subsidize for the loss of income the child would normally earn.

Because of widespread poverty, children must begin working at an early age to contribute to the household income. The largest percentage of child labor occurs in the agricultural sector, which is the largest segment of the massive informal sector. The Government estimates that approximately 6.6 million children between the ages of 5 and 14 are economically active.

Discrimination in Employment

The Constitution states "all citizens are equal before the law and are entitled to equal protection by the law." However, in practice the Government does not always enforce laws aimed at eliminating discrimination. Women, children, minority groups, and persons with disabilities often confront social and economic disadvantages.

In recent years, female school enrollment has improved. In the last decade, employment opportunities for women have been stronger than for men, largely due to the growth of the garment industry. Eighty percent of the 1.4 million of the garment sector workers are women. Programs extending micro-credit to large numbers of rural women also contributes to their greater economic power. However, women still fill only a small fraction of other wage-earning jobs. Forty-three percent of women work in the agriculture, fisheries and livestock sectors, but 70 percent of them are unpaid family laborers.

There have also been a number of private initiatives in the employment of persons with disabilities.

Acceptable Conditions of Work

The Wage Commission meets sporadically every several years and sets wages by industry. These wages are usually ignored by the private sector and enforcement of set wage rulings is rare. The average, skilled, industrial non-EPZ worker earns minimum monthly wage of 2,650 taka (US\$ 49).

The garment sector has much higher average wages at approximately 3,000 taka (US\$ 52) per month. Within the EPZs, pay is generally a little more, averaging nearly 3,500 taka (US\$ 60) per month. It is not clear why this occurs, but all indications point to the higher scrutiny of foreign purchasers. Also, production is generally higher, allowing foreign investors more capital to purchase modern and safer manufacturing equipment.

The law sets 48 hours per week as the standard workweek and allows 12 hours of overtime (a maximum workweek of 60 hours) with 1 mandatory free day a week, which is usually a Friday, for religious reasons. Even though these regulations are on the books, they are frequently broken because there is no grievance or enforcement mechanism available to employees. It is not uncommon to find employees working 7 days a week, 10 to 12 hours a day and not understanding how the overtime is calculated, if paid at all.

The Factories Act of 1965 sets the occupational safety and health standards in Bangladesh, but like every other aspect of the Labor Code, it is rarely enforced due to the lack of resources and corrupt officials. The violations of the occupational safety and health codes are flagrant, as evidenced by the types of tragic and preventable accidents that occur in Bangladesh factories. In August 2001, for example, 18 garment workers, prompted by a fire bell, were trapped and crushed to death due to a jammed exit door. Safety and health standards tend to be higher within the EPZs, especially in the garment industry, due to the fact that facilities are purposely built for manufacturing and therefore have appropriate light and ventilation, and are closely monitored by foreign buyers. The ship-breaking industry continues to be a very hazardous occupation that results in many accidents and deaths per year. In response to some of these incidents, the U.S. Department of Labor is funding a bilateral occupational health and safety project.

Trafficking in Persons

The Oppression of Women and Children Act of 1995 prohibits the trafficking of women and girls and the selling or hiring of girls under 18 for prostitution. Trafficking in women for purposes of prostitution carries a sentence varying from 10 years in prison to the death penalty. Trafficking in children for immoral or illegal purposes also carries the death penalty or life imprisonment.

However, there is extensive trafficking in both women and children, primarily to India, Pakistan, and destinations within the country and mainly for the purpose of prostitution. The estimates by human rights monitors suggest more than 20,000 persons are trafficked and in some instances brought for labor servitude. Most trafficked persons are lured by promises of good jobs or marriage and then sold. Criminal gangs conduct some of the trafficking. Some young boys are still trafficked to the Middle East to be used as camel jockeys. A majority of these boys work with the knowledge of their parents, earning approximately 7,500 taka (US\$ 150) per month. Seeing no alternative for breaking the cycle of poverty, parents sometimes willingly send their children away.

DIRECTORY OF LABOR ORGANIZATIONS

GOVERNMENT

Ministry of Labor and Employment

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Director, Bangladesh Office: Mr. Greg Shulze
Program Officer: Miss Lily Gomes

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